OXFORD PRIVATE INTERNATIONAL LAW SERIES

PROCEDURAL LAW IN INTERNATIONAL ARBITRATION

GEORGIOS PETROCHILOS



Procedural Law In International Arbitration

Simon Greenberg, Christopher Kee, J. Romesh Weeramantry

Procedural Law In International Arbitration:

Procedural Law in International Arbitration Georgios Petrochilos, 2004 Procedural Law in International Arbitration Georgios Petrochilos, 2004 All international arbitration lawyers should take note of this deeply interesting book Professor Dr Albert Jan van den BergInternational arbitration has become the preferred method for the resolution of international commercial disputes yet the question still remains What is the procedural law of international commercial arbitral proceedings and what is its relevance This book comprehensively analyses the relevant legislative practice of all major arbitration venues in the world as well as the arbitral practice of a number of arbitral institutions Practitioners will welcome the book s examination of the fate of awards annulled in their state of origin stateless awards the procedural regime of arbitrations involving sovereign states and the human rights considerations in international arbitration Readership International litigation and arbitration practitioners the international judiciary arbitrators and commercial court judges academics and post graduate students working in the fields of international arbitration private international law public international law and procedural law reference libraries in the UK and worldwide **Procedure and Evidence in** International Arbitration Jeffrey Waincymer, 2012-05-23 Central to the book s purpose is the procedural challenge facing arbitrators at each and every stage of the arbitral process when fairness arguments conflict with efficiency concerns and trade offs must be determined Some key themes include how can a tribunal be fair and in particular be neutral if parties are so diverse How can arbitration be made efficient and cost effective without undue inroads into fairness and accuracy How does a tribunal do what is best if the parties are choosing a suboptimal process When can or must an arbitrator ignore procedural choices made by the parties The author thoroughly evaluates competing arguments and adds his own practical tips expertly synthesizing and engaging with the conference literature and differing authors views He identifies criteria that offer a harmonized approach to each stage of the arbitral process with particular attention to such aspects of international arbitration as appropriate trade offs between flexibility and certainty the rights duties and powers of arbitrators appointment and challenge of arbitrators responses to guerilla tactics drafting of arbitration agreements including specialty clauses drafting of required commencement notices and response documents set off fast track arbitration and other efficiency options strategic use of preliminary conferences and timetabling online arbitration multi party multi contract class arbitration amicus and third party funders pre arbitral referees and interim relief witness evidence both factual and expert documentary evidence production obligations and challenges to production identifying applicable law and remedies and costs

Research Handbook on International Procedural Law Joanna Gomula, Stephan Wittich, Markus Stemeseder, 2024-06-05 This comprehensive Research Handbook provides a detailed exploration of the principles and rules that impact the procedures and operation of international courts and tribunals Within this framework leading experts examine how the evolution of procedural rules and concepts has given rise to a distinct body of rules known as international

procedural law International Arbitration: Law and Practice Gary B. Born, 2021-06-07 International Arbitration Law and Practice Third Edition provides comprehensive and authoritative coverage of the basic principles and legal doctrines and the practice of international arbitration The book contains a systematic but concise treatment of all aspects of the arbitral process including international arbitration agreements international arbitral proceedings and international arbitral awards The Third Edition guides both students and practitioners through the entire arbitral process beginning with drafting enforcing and interpreting international arbitration agreements to selecting arbitrators and conducting arbitral proceedings to recognizing enforcing and seeking to annul arbitral awards The book is written in clear accessible language suited for both law students and non specialist practitioners as well as more experienced readers. This highly regarded work addresses both international commercial arbitration and the related fields of investment and state to state arbitration and is essential reading for any student of international arbitration and any practitioner seeking a complete introduction to the field The Third Edition has been comprehensively updated to include recent legislative amendments judicial decisions and arbitral awards Among other things the book provides detailed treatment of the New York Convention the UNCITRAL Model Law on International Commercial Arbitration all leading institutional arbitration rules including ICC SIAC LCIA AAA and others the ICSID Convention and ICSID Arbitration Rules and judicial decisions from leading jurisdictions The Third Edition is integrated with the author's classic International Commercial Arbitration and with the online Born International Arbitration Lectures enabling students teachers and practitioners to explore particular topics in more detail About the Author Gary B Born is the world's leading authority on international arbitration and litigation He has practiced extensively in both fields in Europe the United States Asia and elsewhere He is the author of International Commercial Arbitration Kluwer Law International 3rd ed 2021 International Arbitration and Forum Selection Agreements Drafting and Enforcing Kluwer Law International 6th ed 2021 International Commercial Arbitration Cases and Materials Aspen 3rd ed 2021 and International Law and Practice of International Commercial Civil Litigation in United States Courts Aspen 6th ed 2018 **Arbitration** Alan Redfern, 2004 Highly acclaimed by practitioners all over the world Law Practice of International Commercial Arbitration has deservedly become the leading text in its field With its comprehensive review of the legal context within which international commercial arbitration operates Redfern Hunter is the ultimate user friendly explanation of how arbitration and in particular international commercial arbitration works The 4th edition has been expanded to give a wider global scope to the work Readers can also benefit from the expert insight and advice of world renowned international practitioners international practitioner Contains a comprehensive review of the international commercial arbitration process from start to finish Includes commentary on suitable places of arbitration developments in international trade law and the increasing harmonisation of national laws governing international arbitration Appendices include the major international rules of arbitration and conventions Explains how arbitration should be conducted to be cost effective and profitable Fully

updated to take account of the latest developments all over the world including a new chapter on investment arbitrations AAA Handbook on International Arbitration Practice American Arbitration Association, 2010-09-01 Assembled from Dispute Resolution Journal the flagship publication of the American Arbitration Association the chapters in the Handbook have all where necessary been revised and updated prior to publication. The book is succinct comprehensive and a practical introduction to the use of arbitration and ADR written by leading practitioners and scholars The Handbook has discussions of such topics as confidentiality in arbitration tips for beginning practitioners cultural issues in arbitration and the contrast of civil and common law approaches International forum selection is discussed including whether national or regional centers are viable options and how to save time and money in cross border disputes A range of other issues are discussed such as interim and emergency relief the use of a preliminary hearing letter time management techniques and discovery and evidence Ethical concerns are also discussed including a comparison of arbitrator standards of conduct in international trade and investment disputes dealing with arbitrator conflicts and arbitrator disclosure standards Finally the work addresses the topics of damages and the review and enforcement of international arbitration awards including interpretations under the New York Convention The chapters were selected from an extensive body of writings and in the main represent world class assessments of arbitration and ADR practice All the major facets of the field are addressed and provide the reader with comprehensive and accurate information lucid evaluations and an indication of future developments They not only acquaint but also ground the reader in the field **International Arbitration Law and Practice, Third Edition Mauro** Rubino-Sammartano, 2014-01-01 This third edition of International Arbitration Law and Practice has been largely enriched by covering international commercial arbitrations investment treaty arbitrations arbitrations between public bodies between states and individuals the UNCITRAL model law and Iran US Tribunal proceedings as well as commodity arbitration online arbitration and sports arbitral proceedings International Arbitration Law and Practice 3rd edition elaborates new concepts such as a definition of international arbitration based on procedural law different from transnational law and a doctrine the tronc commun doctrine to identify the applicable substantive law on disputes between parties belonging to different countries It further suggests that a law of international arbitration has arisen from the various conventions and laws Besides dealing with all the aspects of arbitration on a topic by topic basis the writer presents a third generation arbitration which builds on analysis of major obstacles to a smooth running arbitration International Arbitration Law and Practice 3rd edition is a work that anyone involved in arbitral proceedings will find to be absolutely indispensable International Commercial Arbitration Gary B. Born, 2014-10-01 The second edition of Gary Born's International Commercial Arbitration is an authoritative 4 408 page treatise in three volumes providing the most comprehensive commentary and analysis on all aspects of the international commercial arbitration process that is available The first edition of International Commercial Arbitration

is widely acknowledged as the preeminent commentary in the field It was awarded the 2011 Certificate of Merit by the

American Society of International Law and was voted the International Dispute Resolution Book of the Year by the Oil Gas Mining and Infrastructure Dispute Management list serve in 2010 The first edition has been extensively cited in national court decisions and arbitral awards around the world The treatise comprehensively examines the law and practice of contemporary international commercial arbitration thoroughly explicating all relevant international conventions national arbitration statutes and institutional arbitration rules It focuses on both international instruments particularly the New York Convention and national law provisions in all leading jurisdictions including the UNCITRAL Model Law on International Commercial Arbitration Practitioners academics clients institutions and other users of international commercial arbitration will find clear and authoritative guidance in this work The second edition of International Commercial Arbitration has been extensively revised expanded and updated to include all material legislative judicial and arbitral authorities in the field of international arbitration prior to January 2014 It also includes expanded treatment of annulment recognition of awards counsel ethics arbitrator independence and impartiality and applicable law Overview of volumes Volume I covering International Arbitration Agreements provides a comprehensive discussion of international commercial arbitration agreements It includes chapters dealing with the legal framework for enforcing international arbitration agreements the separability presumption choice of law formation and validity nonarbitrability competence competence and the allocation of jurisdictional competence the effects of arbitration agreements interpretation and non signatory issues Volume II covering International Arbitration Procedures provides a detailed discussion of international arbitral procedures It includes chapters dealing with the legal framework for international arbitral proceedings the selection challenge and replacement of arbitrators the rights and duties of international arbitrators selection of the arbitral seat arbitration procedures disclosure and discovery provisional measures consolidation joinder and intervention choice of substantive law confidentiality and legal representation and standards of professional conduct Volume III dealing with International Arbitral Awards provides a detailed discussion of the issues arising from international arbitration awards It includes chapters covering the form and contents of awards the correction interpretation and supplementation of awards the annulment and confirmation of awards the recognition and enforcement of arbitral awards and issues of preclusion lis pendens and staredecisis Conflict of **Laws in International Arbitration** Franco Ferrari, Stefan Kröll, 2010-12-23 Irrespective of the increasing harmonization of law at the transnational level every arbitration raises a number of conflict of laws problems relating to procedural questions as well as to issues concerning the merits of the case Unlike a state court judge the arbitrator has no lex fori in the proper sense providing the relevant conflict rules to determine the applicable law This raises the question of what conflict of laws rules to apply and consequently of the extent of the freedom the arbitrator enjoys in dealing with this and related issues The best example of the importance of conflict of laws questions in arbitration is the Vivendi Elektrim saga where the outcome of the various proceedings depended on the question of characterization. This very beneficial book is dealing with the arbitration

agreement the jurisdiction of the arbitral tribunal the law applicable to the merits and the arbitration procedure International Commercial Arbitration Gary Born, 2009 International Commercial Arbitration Third Edition is an authoritative treatise providing the most complete available commentary and analysis on all aspects of the international commercial arbitration process This completely revised and expanded edition of Gary Born s authoritative work is divided into three main parts dealing with the International Arbitration Agreement International Arbitral Procedures and International Arbitral Awards The Third Edition provides a systematic framework for both current analysis and future developments as well as exhaustive citations from all leading legal systems INTERNATIONAL ARBITRATION AGREEMENTS Legal Framework for International Arbitration Agreements International Arbitration Agreements and the Separability Presumption Choice of Law Governing International Arbitration Agreements Formation Validity and Legality of International Arbitration Agreements International Arbitration Agreements and Competence Competence Effects and Enforcement of International Arbitration Agreements Interpretation of International Arbitration Agreements INTERNATIONAL ARBITRAL PROCEDURES AND PROCEEDINGS Legal Framework for International Arbitral Proceedings Selection Challenge and Replacement of Arbitrators in International Arbitration Rights and Duties of International Arbitrators Selection of Arbitral Seat in International Arbitration Procedures in International Arbitration Disclosure and Discovery in International Arbitration Provisional Measures in International Arbitration Consolidation Joinder and Intervention in International Arbitration Choice of Substantive Law in International Arbitration Confidentiality in International Arbitration Legal Representation and Professional Conduct in International Arbitration INTERNATIONAL ARBITRAL AWARDS Legal Framework for International Arbitral Awards Form and Content of International Arbitral Awards Correction Interpretation and Supplementation of International Arbitral Awards Annulment of International Arbitral Awards Recognition and Enforcement of International Arbitral Awards Preclusion Lis Pendens and Stare Decisis in International Arbitral Awards International Commercial **Arbitration** Simon Greenberg, Christopher Kee, J. Romesh Weeramantry, 2011-01-17 There has been an exponential rise in the use of ICA for resolving international business disputes yet international arbitration is a scarcely regulated specialty industry International Commercial Arbitration An Asia Pacific Perspective is the first book to explain ICA topic by topic with an Asia Pacific focus Written for students and practising lawyers alike this authoritative book covers the principles of ICA thoroughly and comparatively For each issue it utilises academic writings from Asia Europe and elsewhere and draws on examples of legislation arbitration procedural rules and case law from the major Asian jurisdictions Each principle is explained with a simple statement before proceeding to more technical theoretical or comparative content Real world scenarios are employed to demonstrate actual application to practice International Commercial Arbitration is an invaluable resource that provides unique insight into real arbitral practice specific to the Asia Pacific region within a global context

Redfern and Hunter on International Arbitration Nigel Blackaby KC, Constantine Partasides KC, Alan

Redfern,2023-01-18 Redfern and Hunter on International Arbitration is an established treatise on the law and practice of international arbitration the pre eminent method for the peaceful resolution of disputes in international trade investment and commerce This book serves as an introduction following the chronology of an arbitration from the drafting of the arbitration agreement right through to the enforcement of the arbitral award Written by an author team with extensive experience as counsel and abitrators the book has been read and cited by international lawyers arbitrators and judges and has become a key learning text for teachers students and potential arbitrators in colleges and universities across the world The seventh edition has been significantly revised to incorporate the latest significant developments in the field includling changes in investor state dispute resolution leading court decisions on arbitration matters in a wider number of jurisdictions changes in the soft law of leading international arbitral institutions and of the International Bar Association and the impact of the COVID 19 pandemic on the practice of international arbitration This shorter paperback edition does not include the appendices

Jurisdiction, Admissibility and Choice of Law in International Arbitration: Liber Amicorum Michael Pryles Neil Kaplan, Michael Moser, 2016-04-24 The distinguished international lawyer Michael Pryles who launched a meteoric career as an arbitrator after many years of teaching and writing on conflicts of law and other topics has made a mark on arbitral law and practice that is recognized worldwide In this book over forty prominent arbitrators and arbitration scholars offer insightful essays on the thorny matters of jurisdiction admissibility and choice of law in arbitration topics which have long interested Professor Pryles and are of wide interest Among the specific issues and topics examined are the following res judicata investment arbitration free trade agreements party autonomy application of provisional measures issue estoppel evidentiary inferences interim measures emergency and default proceedings the intersection of financing and jurisdiction consolidation of cases and non contractual claims Remarkable for its roster of highly distinguished contributors this book is the only in depth treatment of its subject By turns thought provoking and practical it is bound to appeal to and be put to use by arbitrators and other lawyers who handle international cases It will also prove of great value to global law firms and companies doing transnational business The Plurality and Synergies of Legal Traditions in International Arbitration Nayla Comair Obeid, Stavros Brekoulakis, 2024-02-20 The cultural diversity characterizing international arbitration today is as much a source of enrichment as it is sometimes a source of practical difficulties affecting both the arbitration procedure and the application of substantive law Consequently it is becoming clearer that the critical project for international arbitration in the immediate future will be how to best answer the fundamental question of cultural pluralism This book presents an informative and well argued discussion on many aspects of international arbitration clarifying the main procedural and substantive similarities and differences between different legal systems around the world focusing not only on common and civil law traditions but also the role played by regional legal traditions including Islamic law and African perspectives With contributions from fifty arbitrators counsel and academics representing every region of the world where international

arbitration has secured a foothold the volume consolidates and synthesizes a series of discussions sponsored by the Chartered Institute of Arbitrators that took place in Dubai Johannesburg and Paris in 2017 The essays identify and address the cultural distinctions that affect the key ever present factors which have forged the character of modern international arbitration such as the following the seat of the arbitration and the legal regime to which the arbitration is attached due process which has different and specific meanings in different national legal systems international standards such as international public policy illegality arbitrability and sanctions the immunity of international arbitrators form of presentation of evidence production of documents oral and written submissions and expert evidence the specific context of international investment arbitration disputes in specific industries or legal areas telecommunications construction mining intellectual property the role of national judges and the legal traditions they embrace throughout and after arbitration proceedings how to incorporate more conciliatory cultural traditions which are notably shared in many African and Asian countries and training and opportunities for the next generation in international arbitration. The book is replete with tools and recommendations to ensure synergy and harmony between the different legal traditions that coexist in today s arbitral proceedings All users of arbitration whether the arbitrators themselves lawyers involved as counsel for parties or judges applying arbitration law will greatly appreciate this matchless elucidation of the different systems and alternative ways of presenting the divergent procedures and ways of conducting international arbitrations. The book s immeasurable value to arbitration academics goes without saying Czech (& Central European) Yearbook of Arbitration - Borders of Procedural and Substantive Law in Arbitral Proceedings - 2013 Alexander J. Bělohlávek, Filip Cerný, Naděžda Rozehnalova, 2013-03-01 The Czech Yearbooks Project for the moment made up of the Czech Yearbook of International Law and the Czech Central European Yearbook of Arbitration began with the idea to create an open platform for presenting the development of both legal theory and legal practice in Central and Eastern Europe and the approximation thereof to readers worldwide This platform should serve as an open forum for interested scholars writers and prospective students as well as practitioners for the exchange of different approaches to problems being analyzed by authors from different jurisdictions and therefore providing interesting insight into issues being dealt with differently in many different countries The Czech Central European Yearbook of Arbitration the younger twin project within the Czech Yearbooks primarily focuses on the problematic of arbitration from both the national and international perspective The use of arbitration as a method of dispute resolution continues to increase in importance Throughout Central and Eastern Europe arbitration is viewed as being progressive due to its practical aspects and to its meeting the needs of specialists in certain practice areas Central and Eastern Europe the primary but not exclusive focus of this project is steeped in the Roman tradition of continental Europe in which arbitration is based on the autonomy of the parties and on informal procedures This classical approach is somewhat different from the principles on which the system of arbitration in common law countries is based Despite similarities among countries in the

region arbitration in Central and Eastern Europe represents a highly particularized and fragmented system One shortcoming in the use of arbitration in Central and Eastern Europe is the absence of comparative standards or a baseline that would facilitate the identification of commonalities and differences in individual countries and help resolve problems that are common throughout the region The CYArb project aims to address this issue and provide a forum for comparisons of arbitration practice and doctrine in countries within the region and in relation to practices internationally It sheds light on both practical and academic aspects within these countries and compares those approaches to broader European and international practices This project will also foster a broad exchange of legal research and other information on the subject The third volume of the CYArb focuses on the blurry area which borders the procedural and substantial law Editors being motivated with an endeavour to provide the readers with complex insight into the problematic invited authors of Civil same as Common law jurisdictions to provide their insight and analysis on the problems of i e mandatory provisions of procedural same as substantive law issues of application of law in arbitration adjudication according to the ex aequo et bono principles issues of the burden and standard of proof and others The issues are presented on highly comparative basis provided mostly by practitioners who are simultaneously involved in academic activities. The book is divided into four sections The backbone sections encompass the doctrinal articles of the authors same as case law analysis of the domestic courts from the region relating to the topic covering the case law of Constitutional General same as Arbitral courts of the countries from the Central European Region The rest of the book covers the news in the arbitration area same as interesting arbitration events or published articles and books of the authors from the region The new volume of the The Czech Central European Yearbook of Arbitration Borders of Procedural and Substantive Law in Arbitral Proceedings Civil versus Common Law Perspectives brings useful resource for everyone who is dealing with arbitration in all of its aspects be it an academic practitioner law or international relations student who seeks global compendium on the issue including an overlap to economic and politic International Commercial Arbitration: Commentary and Materials Gary Born, 2021-11-15 aspects of the problematic International Commercial Arbitration contains detailed commentary case analyses and practice pointers Full annotations and footnotes provide invaluable research assistance while clearly written analyses identify and discuss critical issues Representative international arbitral awards and national court decisions are excerpted and detailed reference is made to leading institutional rules Detailed appendices an easy to use Table of Contents and an extensive index to aid research and provide ready access to key materials Co publication with Kluwer Law International North American sales rights only Published under the Transnational Publishers imprint For class adoption a student edition is available for 85 00 978 1 5710 5175 2 Please contact the Brill sales department to arrange an order Contemporary Problems in International Arbitration Julian Lew, 2013-06-29 The establishment of a School of International Arbitration was a sufficiently important occurrence to have brought to London for its inaugural conference most of the world's leading experts on international arbitration The

three day Symposium on March 25 27 1985 sought to identify and consider the It was not the aim contemporary problems affecting international arbitration of the Symposium to develop propose or agree solutions to these problems but rather to discuss the issues and alternative solutions The success of the School will be measured in the future by its contribution through research and teaching to the development of solutions to the difficulties and uncertainties which reduce the effectiveness of international arbitration agreements and awards and the conduct of international arbitral proceedings This book reproduces the papers presented at the Symposium amended and varied by several contributors It is not considered appropriate here to comment on or analyse paper by paper the ideas presented or discussions which ensued However it would be appropriate to make reference to specific developments in the short period since the Symposium directly relevant to the papers reproduced and the discussions which ensued The pertinence of the subject matter selected becomes clear from these subsequent developments The Reception and Transmission of Civil Procedural Law in the Global Society Masahisa Deguchi, Marcel Storme, 2008 In modern times the civil procedural laws of every country have been influenced by those of other countries For instance the Japanese legal system was itself influenced by Chinese culture and later developed independently under the policy of national isolation And since 1868 Japan has modernized its civil procedural law using French German and American law as its models Japan has recently tried to contribute by way of legislative and legal educational assistance to other Asian countries Vietnam Cambodia etc in civil and procedural law The civil procedural laws of different countries should be expected to harmonize with each other in the global society This book is the outcome of the Congress of the International Association of Procedural Law at the Ritsumeikan University in Kyoto Japan In this book various outstanding contributors are treating a contemporary legal problem in their own civil procedural systems including examples from India the Netherlands Korea Italy China Japan etc Court Assistance in the Taking of Evidence in **International Arbitration** Lorenz Raess, 2020-10-19 Although international arbitration is widely hailed as an efficient confidential and flexible way of settling commercial disputes it has its limits. The arbitral tribunal s lack of coercive power is thrown into particularly stark relief when it comes to the taking of evidence from third parties outside the arbitral proceedings If they do not comply voluntarily with the request of the arbitral tribunal to testify as a witness or disclose documents assistance must be sought from state courts As the success of a case hinges on the evidence that a party can obtain it is crucial to understand how to obtain evidence through state courts At the heart of this work is the question of the conditions under which state courts may offer assistance in international arbitral proceedings With a special focus on Switzerland and comparative aspects this book provides helpful tactical insights for arbitral practitioners around the world

Ignite the flame of optimism with is motivational masterpiece, **Procedural Law In International Arbitration**. In a downloadable PDF format (*), this ebook is a beacon of encouragement. Download now and let the words propel you towards a brighter, more motivated tomorrow.

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